THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No21147 OF 2005

Date:28.09.2005

Between:

Damera Chellayamma

and another

… Petitioners

AND

The Agent to Government,

Khammam District, Khammam

and others.

… Respondents

ORDER:

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The 3rd respondent filed an application before the

2nd respondent alleging that the transfer of the land in Sy.Nos.559 and 560 of Akinepalli Village, Dammapet Mandal, Khammam District, admeasuring Ac.13.34 gts, in favour of the petitioners and another, is contrary to the provisions of A.P. Schedule Area Land Transfer Regulation 1 of 1950 read with Regulation 1 of 1970. The

2nd respondent took up the same as LTR Case No.612/92/DPT. After conducting necessary enquiry and trial, he dismissed the same through his order, dated 11.02.1993. Aggrieved thereby, the 3rd respondent filed C.M.A.No.23 of 1994, before the 1st respondent. Through his order, dated 19.08.2003, the 1st respondent allowed the C.M.A. The petitioners challenge the same in this writ petition.

Learned counsel for the petitioners submits that initiation of proceedings against the petitioners was absolutely without any basis, and in fact, the 2nd respondent found that he has no jurisdiction to entertain the matter. He submits that the 1st respondent committed material irregularity in allowing the appeal.

Learned Government Pleader for Social Welfare, on the other hand, submits that the petitioners had alternative remedy of revision before the Government and the writ petition cannot be entertained, at this stage.

Though the order was passed on 19.08.2003, the same is said to have been furnished to the petitioners in the recent past. In fact, an official of the office of the 1st respondent, initialed the order, as late as on 23.09.2005. Therefore, it cannot be said that there is delay on the part of the petitioners in pursuing their remedies.

It is not in dispute that the Regulations provide for revision against the order passed by an appellate authority i.e., the Agent to Government. The Government would be in a better position to appreciate the matter from the points of view of fact and law and the petitioners can avail that remedy. Their interest can be protected by issuing certain directions.

Hence, the writ petition is disposed of leaving it open to the petitioners to prefer a revision before the Government, against the impugned order. If the same is filed within four weeks from today, it shall be entertained as having been presented within the limitation. It shall also be open to the petitioners to file an application for stay.

The order dated 19.08.2003, passed by the 1st respondent, in C.M.A.No.23 of 2004, shall remain suspended for a period of six weeks or till the Government passes an order on the application filed by the petitioners for grant of stay, whichever is later. If the revision is not filed within four weeks from today, the suspension granted hereunder shall lapse. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:28.09.2005

Note: Office to furnish copy

In three days.

(B/o.) ***TS***